

**MINUTES OF
FAUQUIER COUNTY BOARD OF ZONING APPEALS
April 3, 2003**

The Fauquier County Board of Zoning Appeals held its regularly scheduled meeting on Thursday, April 3, 2003, beginning at 2:00 P.M. at the Town of Warrenton Police Department, 333 Carriage House Lane, Warrenton, Virginia. Members present were Mrs. Margaret Mailler, Chairperson; Mr. Eugene Lofdahl, Vice Chairman; Mr. John Meadows, Secretary; Mr. James Van Luven; Mr. Maximilian A. Tufts, Jr.; Mrs. Sonja Addison and Mr. Mark Rohrbaugh. Also present were Mrs. Tracy Gallehr, Assistant County Attorney; Mrs. Kimberley Johnson, Zoning Administrator; Mr. Fred Hodge, Assistant Zoning Administrator; Ms. Holly Meade, Planner; and Ms. Nancy Albert, Office Associate III.

MINUTES: On the motion made by Mr. Meadows the following corrections were made to the March 6, 2003 minutes:

Condition h on page 4 should read: "The storage area shall be screened by 25 feet off the property line with two staggered rows of evergreens from adjacent single family dwelling units."

Condition q should read: "Prior to the delivery of propane tanks over 100 feet long the facility shall phone the non-emergency number for Norfolk Southern railroad to obtain the schedule of trains."

Page 6 the motion should read seconded by Mr. Meadows for the purpose of discussion.

On the motion made by Mr. Tufts the following correction was made to the March 6, 2003 minutes:

Page 6 his statement should read: "Mr. Tufts stated his primary concern is safety and the application of the February meeting stated two events and in the March meeting the Legion wanted four."

On the motion made by Mr. Rohrbaugh the following correction was made to the March 6, 2003 minutes:

He abstained for all cases except the last application of the height extension.

Mr. Lofdahl seconded the motions.

The motion carried unanimous.

Mr. Meadows made a motion to amend conditions h and q of the DeCarlo special permit and then withdrew the motion.

LETTERS OF NOTIFICATIONS & PUBLIC NOTICE: The Assistant Zoning Administrator stated that to the best of his knowledge, the cases before the Board of Zoning Appeals for a public hearing had been properly advertised, posted, and letters of notification sent to adjoining property owners. Ms. Albert read the Public Hearing Protocol.

SPECIAL PERMIT #51090 ROY & LOU ANNE BOATWRIGHT (OWNERS)

Applicants are requesting a special permit for sales, service, repair and rental of heavy trucks, vans, equipment and trailers; to include inventory awaiting restoration. The subject property is identified as PIN #7906-00-9413, located at 5391 Telephone Road, Scott District, Warrenton, Virginia.

Mr. Hodge reviewed a letter from Mr. Leo Scolforo, counsel for Mr. and Mrs. Boatwright, requesting to table the special permit until May 1, 2003.

On the motion made by Mr. Meadows and seconded by Mr. VanLuven, in application No. 51090, it was moved to table the special permit until May 1, 2003.

The motion carried unanimous.

SPECIAL PERMIT #51167 L. RUTH BOWER (OWNER) & MICHAEL C. & CINDY LEE BOWER (APPLICANTS)

Applicants are requesting to amend a special permit granted on July 11, 2002 for a kennel facility. The subject property is identified as PIN #7924-12-6166, located at 7787 Greenwich Road, Cedar Run District, Catlett, Virginia.

Mr. Hodge reviewed the staff report, a copy of which is attached to and made a part of the minutes.

Mr. Michael Bower appeared at the meeting representing their special permit and agreed with the staff report.

Mr. Meadows asked if the financial institutions are aware the special permit may be revoked if there is a violation. Mr. Bower said they were aware.

Mr. Bower presented two letters from the neighbors in support of the kennel which were made part of the minutes.

On the motion made by Mr. VanLuven and seconded by Mr. Meadows, in application No. 51167, it was moved to amend the special permit issued July 11, 2002 to remove the time limit.

The motion carried unanimous.

SPECIAL PERMIT #51169 CRANES CORNER, LLC (OWNER) & LIBERTY ASSEMBLY OF GOD CHURCH (APPLICANTS)

Applicants are requesting special permit approval to hold a "Family Fest" on April 26, 2003. The subject property is identified as PIN #6899-24-9836, located on Route 17, Lee District, Bealeton, Virginia.

Mr. Hodge stated that the BZA made a site visit was made this morning and reviewed the staff report, a copy of which is attached to and made a part of the minutes.

Reverend Wes Shortridge appeared at the meeting representing the special permit and agreed with the staff report. He presented letters from the Department of Transportation and Fauquier County Sheriff's Office, a copy of which are attached and made a part of the minutes.

Mr. Meadows asked if the entrance would be on Route 17 and Mr. Shortridge stated it would be on Village Center Drive.

Mr. Lofdahl asked if the field would be mowed and Mr. Shortridge said yes.

Mr. Rohrbaugh asked where the parking would be and Mr. Shortridge stated on Village Center Drive and in the shopping center, if that is an option.

Mr. Rohrbaugh asked if they had considered a rain date and Mr. Shortridge said no, however if a rain date is necessary it would be scheduled months in advance.

Ms. Tammy Slaustas stated this type of family activity is needed in the area and she supports it.

Mr. Denny Nissley said he is working with Pastor Shortridge and represents Family Fest the organization that will be providing the food, tents and stage. Family Fest has done this type of activity across America and provided disaster relief at the Pentagon and in New York. Mr. Nissley presented a folder of information, a copy of which are attached and made a part of the minutes.

Mr. Steve Rollinger, a business owner in Fauquier County, stated he is pleased to have this type of activity and would like the application approved without question.

On motion made by Mr. Lofdahl and seconded by Mr. Rohrbaugh, in application No. 51169, it was moved to approve the special permit based on the Board's findings, after due notice and hearing, as provided by the Code of Virginia Section 15.2-2204 and Section 5-009 of the Fauquier County Code:

1. The proposed use will not adversely affect the use or development of neighboring properties.
2. It is in accordance with the applicable zoning district regulations and to applicable provisions of the adopted Comprehensive Plan, and does conform to the general standards set forth in Section 5-006(1) through (9) of the Zoning Ordinance of Fauquier County, which sections are incorporated in this Motion as if fully set forth.
3. The use will be compatible with the neighborhood in which it is to be located.
4. The application does comply with the specific standards which apply to the use in question.

5-804

Standards and Time Limits for Carnival, Circus, Festival, Fair, Horse Show, Dog Show, Steeplechase, Music Festival, Turkey Shoot, Sale of Christmas Trees and other Seasonal Commodities, and other Similar Activities

In addition to the general standards set forth in Section 006 above, the following standards shall apply:

1. A temporary special permit may be issued for a period not to exceed twenty-one (21) consecutive days in Residential and Rural Zoning Districts and one (1) year in Commercial and Industrial Districts.
2. All permitted activities in a Residential or Rural Zoning District shall be sponsored by a volunteer fire company, local chamber of commerce, veterans' organization, service club, civic organization, church or religious organization, sports or hunt club, charitable, educational or nonprofit organization or recognized chapter thereof whose principal administrative offices are located within the County.
3. Where the activity is a circus, fair or carnival, and the owner of the circus, fair or carnival is an entity other than the sponsoring organization, the sponsoring organization shall furnish the Zoning Administrator the name and address of the owner or owners of the circus, fair or carnival.
4. The sponsoring organization shall furnish the Health Director information as to sanitary arrangements and facilities to be used by the public and employees, and the Health Director shall advise the Zoning Administrator that such arrangements and facilities will be adequate if properly used and maintained.
5. No temporary special permit shall be issued unless adequate provision is made for off-street parking and loading requirements.
6. In addition to the requirements of this Ordinance, a carnival, circus, sideshow, dog and pony show, trained animal show, menagerie, musical or entertainment festival, or any other show, exhibition or performance similar thereto, shall produce a County license therefore in accordance with the provisions of Chapter 3 of the Code.
7. No such use shall be permitted except on a lot fronting on, and having direct access to, a road designated as a major collector (or higher) in the Comprehensive Plan unless the Board of Zoning Appeals finds that the type and amount of traffic generated by the facility is such that it will not cause an undue impact on the neighbors or adversely affect safety of road usage.

5. The special permit is granted subject to the following conditions, safeguards, and restrictions upon the proposed uses as are deemed necessary in the public interest to secure compliance with the provisions of this Ordinance: (Conditions including, but not limited to, those recited in Section 5-007 A-L of the Zoning Ordinance)

- (a) temporary ramp on Village Center Drive of gravel or dirt to facilitate access.
- (b) five portable toilets to accommodate 500 people expected to attend.
- (c) field will be mowed.
- (d) permit will cover a rain date.

Discussion ensued on the rain date condition, which Mr. Lofdahl removed and Mr. Rohrbaugh seconded the amended motion.

The amended motion carried unanimous.

SPECIAL PERMIT #51173 TROUGH HILL BAPTIST CHURCH TEES (OWNER) & RAY JACKSON (CONTACT)

Applicants are requesting special permit approval and a variance from the side property line to construct an addition to an existing place of worship. The subject property is identified as PIN #6926-11-8584, located at 12283 Crest Hill Road, Marshall District, Hume, Virginia.

Mr. Hodge stated that the BZA made a site visit was made this morning and reviewed the staff report, a copy of which is attached to and made a part of the minutes.

Mr. Ray Jackson appeared at the meeting representing the special permit and agreed with the staff report.

Mr. Rohrbaugh asked if when the addition is complete if the other buildings and shed would be removed and Mr. Jackson said yes.

Mr. Jackson presented a letter from the Health Department, a copy of which are attached and made a part of the minutes.

On motion made by Mrs. Addison and seconded by Mr. Rohrbaugh, in application No. 51173, it was moved to approve the special permit based on the Board's findings, after due notice and hearing, as provided by the Code of Virginia Section 15.2-2204 and Section 5-009 of the Fauquier County Code:

1. The proposed use will not adversely affect the use or development of neighboring properties.

2. It is in accordance with the applicable zoning district regulations and to applicable provisions of the adopted Comprehensive Plan, and does conform to the general standards set forth in Section 5-006(1) through (9) of the Zoning Ordinance of Fauquier County, which sections are incorporated in this Motion as if fully set forth.
3. The use will be compatible with the neighborhood in which it is to be located.
4. The application does comply with the specific standards which apply to the use in question.

5-602**Additional Standards for Places of Worship**

Uses proposed in conjunction with places of worship shall be subject to regulations applicable to such use (e.g., schools, athletic facilities).

5. The special permit is granted subject to the following conditions, safeguards, and restrictions upon the proposed uses as are deemed necessary in the public interest to secure compliance with the provisions of this Ordinance: (Conditions including, but not limited to, those recited in Section 5-007 A-L of the Zoning Ordinance)

(a) all out buildings and dead trees will be removed.

On motion made by Mr. Meadows and seconded by Mr. Rohrbaugh, in application No. 51173, it was moved to approve the variance based on the Board's findings, after due notice and hearing, as provided by Code of Virginia Section 15-2.2204:

1. The property was acquired in good faith; and
2. Strict application of the Ordinance would effectively prohibit or unreasonably restrict use of the property
3. The granting of the variance will alleviate a clearly demonstrable hardship approaching confiscating, and is distinguished from a special privilege or convenience sought by the applicant.
4. The hardship or restrictions on the use of the property are by reason of the exceptional narrowness, shallowness, size or shape of the property at the time of the effective date of the Ordinance
5. The size or shape, exceptional conditions, or extraordinary situation which result in the hardship or restrictions on the use of the applicant's property is the triangular shape of the property and the existing church is located on the narrowest portion of the lot.
6. The variance will be in harmony with the intended spirit and purpose of the Ordinance, and would result in substantial justice being done.

7. The strict application of the Ordinance will produce undue hardship.
8. Such hardship is not shared generally by other properties in the same zoning district and the same vicinity and is not of so general or recurring a nature as to make reasonably practical the formation of a general regulation to be adopted as amendment to the Ordinance.
9. The authorization of the variance will not be of substantial detriment to adjacent property and that the character of the district will not be changed by the granting of the variance.
10. The minimum variance that is necessary to afford relief is:
 - (a) 9 feet

ADJOURNMENT: There being no further business before the Board, the meeting adjourned at 2:45 P.M.

Margaret Mailler, Chairman

John Meadows, Secretary

Copies of all files and materials presented to the Board are attached to and become a part of these minutes. A tape recording of the meeting is on file for one year.

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